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Attorneys for Claimant  
**FRANK JOSEPH ALIOTO**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

No. C 07-5413 MMC

V.

APPROXIMATELY \$61,505.00  
IN UNITED STATES CURRENCY,

**NOTICE OF MOTION AND  
MOTION TO SUPPRESS  
EVIDENCE**

Defendant.

Date: 25 July 2008

Time: 9:00 a.m.

**Dept: Courtroom 7, 19<sup>th</sup> Floor**

FRANK JOSEPH ALIOTO,

**Claimant.**

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TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA:

1 PLEASE TAKE NOTICE that on the date and at the time indicated above, or as soon  
2 thereafter as the matter may be heard, claimant Frank Joseph Alioto, by and through counsel,  
3 will and hereby does move this Court for an Order suppressing evidence.  
4

5 Pursuant to Rules 12 and 47 of the Federal Rules of Criminal Procedure, claimant  
6 moves to suppress any and all evidence seized, along with the fruits thereof, as a result of the  
7 warrantless search of his person and luggage, on or about June 30, 2004.  
8

9 The motion to suppress evidence seized pursuant to the warrantless search of the truck  
10 is made on the ground that the government will not be able to satisfy its burden of justifying the  
11 warrantless search and seizure, thus, it was conducted in violation of Claimant's rights to be free  
12 from unreasonable searches and seizures as guaranteed by the Fourth Amendment of the United  
13 States Constitution.  
14

15 This motion to suppress is based on this notice, the memorandum of points and  
16 authorities and declaration filed herewith, on such supplemental points and authorities as may be  
17 hereafter filed with this Court or orally presented, on the records and files in this action, and on  
18 such oral and documentary evidence as may be presented at the hearing.  
19  
20 Dated: 20 June 2008  
21  
22

23 Respectfully submitted,  
24  
25 S/DAVID M. MICHAEL  
26 DAVID M. MICHAEL  
27 Attorney for Claimant  
28 FRANK JOSEPH ALIOTO

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2 **CERTIFICATE OF ELECTRONIC FILING**  
3

4 The undersigned hereby certifies that, on 20 June 2008, he caused to be electronically  
5 filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a  
6 notice of electronic filing to the following:  
7

8 Susan B. Gray CSB 100374  
9 Office of the U.S. Attorney  
450 Golden Gate Avenue  
San Francisco CA 94102  
Susan.B.Gray@usdoj.gov  
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13 S/DAVID M. MICHAEL  
14 DAVID M. MICHAEL  
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